

## REMARKS

This is meant to be a complete response to the Office Action mailed August 25, 2003. In the Office Action, claims 1 and 38-41 were rejected under 35 U.S.C. 103(a) as being unpatentable over Koudstaal et al. (US 4,400,910) in view of Burton, Jr. et al. (US 4,888,175) and Antoon, Jr. (US 4,910,032). Claims 1 and 38-41 were also rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2 of US 5,666,784 or claims 35-46, 62-67, 83-88 and 97-104 of US 6,382,418.

### Applicant's Response to the 35 U.S.C. 103(a) Rejection

In the Office Action, the Examiner rejected Applicant's claims 1 and 38-41 under 35 U.S.C. 103(a) as being unpatentable over Koudstaal et al. (US 4,400,910) in view of Burton, Jr. et al. (US 4,888,175) and Antoon, Jr. (US 4,910,032). Applicant respectfully traverses the rejection based on the amendments to the claims and for the reasons stated herein below.

The present invention, as recited in amended claims 1 and 38-41 of the subject application, relates to methods of wrapping floral groupings in breathable packages. The methods comprise providing a sheet of material having controlled atmosphere characteristics and a desiccant, an antimicrobial agent and at least one of a bonding material and a non-fogging agent disposed thereon, and providing a floral grouping comprising **at least one cut fresh**

**flower.** The sheet of material is then wrapped about the floral grouping so that the wrapper covers at least a portion of a bloom portion of the floral grouping. *The stem portion of the floral grouping may also be substantially covered by the wrapper, or the stem portion of the floral grouping may extend from the wrapper.* The wrapper is then sealed about the floral grouping such that the controlled atmosphere characteristics of the sheet of material in combination with the desiccant, the antimicrobial agent and the bonding material and/or non-fogging agent provide both a prolongation of freshness of the floral grouping and optimal visual display of the floral grouping disposed in the wrapper.

Koudstaal et al. disclose a method for protecting plants during transportation. The term "plants" is defined in Koudstaal et al. as "plants having their roots in a clod of soil or a similar material ... **cut flowers are not included within the meaning of the term**" (Col. 1, lines 12-17, emphasis added). Therefore, Koudstaal et al. do not teach, disclose or even suggest a method for wrapping a floral grouping that includes at least one cut fresh flower. In fact, Koudstaal et al. teach that the package disclosed therein is **not useful with cut flowers** (see Col. 2, lines 50-55). Thus, Koudstaal et al. actually teach away from wrapping a floral grouping that includes at least one cut fresh flower in a wrapper formed from a sheet of material having controlled atmosphere characteristics and a desiccant, an antimicrobial agent and at least

one of a bonding material and a non-fogging agent disposed thereon. Koudstaal et al. therefore cannot be combined with any other references to render the presently claimed invention obvious.

The Examiner has recognized the deficiencies of Koudstaal et al. and has attempted to remedy such deficiencies with the teachings of Burton, Jr. et al. and Antoon, Jr. However, the fact that Burton, Jr. et al. and Antoon, Jr. may teach antimicrobial agents, non-fogging agents and/or desiccants in a package for **potted plants** is irrelevant as Koudstaal et al., not only does not teach, disclose or even suggest but also teaches away from methods of wrapping a **floral grouping that includes at least one cut fresh flower** in a wrapper formed from a sheet of material having controlled atmosphere characteristics and a desiccant, an antimicrobial agent and at least one of a bonding material and a non-fogging agent disposed thereon.

Therefore, Applicant respectfully submits that claims 1 and 38-41, as now pending, are non-obvious over the combination of Koudstaal et al., Burton, Jr. et al., and Antoon, Jr. Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection of pending claims 1 and 38-41 over the combination of Koudstaal et al., Burton, Jr. et al., and Antoon, Jr.

### Applicant's Response to the Obviousness-Type Double Patenting Rejection

In the Office Action, the Examiner rejected Applicant's claims 1 and 38-41 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2 of US 5,666,784 or claims 35-46, 62-67, 83-88 and 97-104 of US 6,382,418.

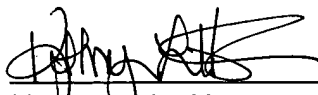
In response to the rejection, a Terminal Disclaimer is being filed herewith which complies with each and every provision of 37 C.F.R. §1.321 and 37 C.F.R. §1.130(b) and which disclaims the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 5,666,784 or the expiration date of US 6,382,418. Applicant respectfully submits that the double-patenting rejection of pending claims 1 and 38-41 has been obviated by the filing of the Terminal Disclaimer and requests reconsideration and withdrawal of such rejection of the claims.

## **CONCLUSION**

The foregoing is meant to be a complete response to the Office Action mailed August 25, 2003. Applicant respectfully submits that each and every rejection of claims 1 and 38-41 has been traversed or obviated by the filing of the Terminal Disclaimer herewith and that such claims as now pending are in a condition for allowance. Favorable action is respectfully solicited.

Should the Examiner have any questions or comments concerning the before-mentioned amendments to the application or any other matter, Applicant's agent will welcome the opportunity to discuss the same with the Examiner.

Respectfully submitted,



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Kathryn L. Hester, Ph.D., Reg. No. 46,768  
DUNLAP, CODDING & ROGERS, P.C.  
P.O. Box 16370, Customer No. 30589  
Oklahoma City, Oklahoma 73113  
Telephone: 405/607-8600  
Facsimile: 405/607-8686

Agent for Applicant